

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/656,159
Attorney Docket No. Q77223

REMARKS

General remarks

Reconsideration and allowance of this application are respectfully requested. Claims 1 and 3-7 have been amended. New claim 8 has been added. Claim 2 has been canceled. Claims 1 and 3-8 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

Rejection Under 35 U.S.C. § 102(e) - Videtich

Claims 1-3 and 5-7 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Videtich (U.S. Patent Publication Number 2004/0010366). The rejection is respectfully traversed.

Regarding claim 1, the claimed invention relates to:

A communication terminal apparatus mounted in a mobile unit,
comprising:

a communication unit;

a route information acquiring unit which acquires driving route
information based on a driving route calculated by an information
center from the information center through the communication
unit;

a guiding unit which guides a route based on the driving route
information acquired by the acquiring unit;

a prediction unit which predicts a possibility for the mobile
unit to deviate from the driving route shown by the acquired
driving route information;

a connection control unit which controls the communication unit
to start processing for connecting to the information center when

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it is predicted there is a possibility for the mobile unit to deviate from the driving route; and

a transmitting unit which transmits route calculation request information for calculating a new driving route to the information center when the mobile unit deviates from the driving route after the processing for connecting to the information center is started.

The Examiner maintains that Videtich discloses all of the elements of the claimed invention. However, Applicant respectfully submits that Videtich does not teach or suggest, *inter alia*, “a prediction unit which predicts a possibility for the mobile unit to deviate from the driving route shown by the acquired driving route information; [and] a connection control unit which controls the communication unit to start processing for connecting to the information center when it is predicted there is a possibility for the mobile unit to deviate from the driving route,” as recited by claim 1.

In the claimed invention, when a *possibility* is predicted by the prediction unit for deviation, the communication unit is controlled by the connection control unit to start processing for connecting to the information center. When the mobile unit deviates from the driving route (after processing is started), the transmitting unit transmits route calculation request information to the information center for the calculation of a new driving route.

Therefore, the processing for connecting to the information center is started upon prediction of a possibility for the mobile unit to deviate from the driving route shown by the acquired driving route information. Then, upon an actual deviation of the mobile unit from the

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driving route which occurs after the processing is started, the route calculation request information for calculating a new driving route is then transmitted.

Videtich only discloses a method of receiving reroute information in which, if a traffic obstruction is detected, an alert is sent to a user who can then decide whether to request new route information (paragraphs [0038] and [0039]). Videtich does not predict any possibility of deviation, nor is any processing started for connection to an information center upon prediction of such a possibility of deviation. On the contrary, Videtich only sends an alert signal to a user when an actual traffic obstruction is detected, not a **predicted possibility** of deviation. Videtich also only generates reroute information in response to the user's request and a route calculation request is not transmitted based on any deviation from driving route.

At least by virtue of the aforementioned differences, Applicant's claim 1 distinguishes over Videtich. Applicant's claims 6 and 7 are related independent method and program claims respectively, which recite similar elements and are distinguished over Videtich for analogous reasons. Applicant's claims 2, 3 and 5 are dependent claims including all of the elements of independent claim 1, which as established above, distinguishes over Videtich. Therefore, claims 2, 3 and 5 are distinguished over Videtich for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

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Rejection Under 35 U.S.C. § 103(a) – Videtich in view of Ito

Claim 4 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Videtich in view of Ito (U.S. Patent Number 6,347,278). The rejection is respectfully traversed.

Regarding claim 1, as discussed above, Videtich fails to teach or suggest the claimed invention. Ito does not remedy the deficiencies of Videtich. Ito discloses a mobile terminal and server for a navigation system as shown in Figures 2-4, which provide route guidance and traveling route data. However, there is also no teaching or suggestion in Ito of “a prediction unit which predicts a possibility for the mobile unit to deviate from the driving route shown by the acquired driving route information; [and] a connection control unit which controls the communication unit to start processing for connecting to the information center when it is predicted there is a possibility for the mobile unit to deviate from the driving route,” as recited by claim 1.

At least by virtue of the aforementioned differences, Applicant’s claim 1 distinguishes over Videtich in view of Ito. Applicant’s claim 4 is a dependent claims including all of the elements of independent claim 1, which as established above, distinguishes over Videtich in view of Ito. Therefore, claim 4 is distinguished over Videtich in view of Ito for at least the aforementioned reasons as well as for its additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

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Rejection Under 35 U.S.C. § 102(e) – Tada et al.

Claims 1 and 3-7 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Tada et al. (U.S. Patent Number 6,594,580; hereinafter “Tada”). The rejection is respectfully traversed.

Regarding claim 1, the claimed invention relates to a communication terminal apparatus as discussed above. The Examiner maintains that Tada discloses all of the elements of the claimed invention. However, Applicant respectfully submits that Tada does not teach or suggest, *inter alia*, “a prediction unit which predicts a possibility for the mobile unit to deviate from the driving route shown by the acquired driving route information; [and] a connection control unit which controls the communication unit to start processing for connecting to the information center when it is predicted there is a possibility for the mobile unit to deviate from the driving route,” as recited by claim 1.

Tada discloses an apparatus and system which provides route guidance information. However, Tada does not predict any possibility of deviation, nor is any processing started for connection to an information center upon prediction of such a possibility of deviation. On the contrary, Tada only generates route guidance information of a particular segment length which is set based on a guide level indicating a volume of information transmittable within an estimated time period (column 19, lines 6-45). These guide levels relate only to the data format of transmitted route guidance information which directly affects transmission segment length. Thus,

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Tada's guide levels are not in any way related to or suggestive of a *predicted possibility of deviation from driving route*.

At least by virtue of the aforementioned differences, Applicant's claim 1 distinguishes over Tada. Applicant's claims 6 and 7 are related independent method and program claims respectively, which recite similar elements and are distinguished over Tada for analogous reasons. Applicant's claims 3-5 are dependent claims including all of the elements of independent claim 1, which as established above, distinguishes over Tada. Therefore, claims 3-5 are distinguished over Tada for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

Newly Added Claims

Applicants have added new claim 8 to provide more varied scope of protection for the present invention. Claim 8 is allowable based on its dependency as well as for its additionally recited features. That is, the cited references do not teach or suggest, *inter alia*: that "the route calculation request information for calculating a new driving route includes information of a present position after the mobile unit deviates," as recited by claim 8.

Conclusion and request for telephone interview

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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